

Australian Capital Territory

Children and Young People (Work Experience) Standards 2009 (No 1)

Disallowable instrument DI2009–166

made under the

Children and Young People Act 2008, Section 887 (Standard-making power)

1 Name of instrument

This instrument is the *Children and Young People (Work Experience) Standards 2009 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Declaration

Under section 887 of the *Children and Young People Act 2008*, I declare that the attached Work Experience Standards apply to the work experience provisions found at Part 21.2: Work Experience programs–exemption.

Andrew Barr
Minister for Children and Young People
16 July 2009

Introduction

1. These standards relate to work experience programs organised by schools and/or other institutions/organisations/providers as part of their curriculum and/or scope of activity in relation to students under the age of 15.
A work experience provider must apply to the Chief Executive for an exemption to the Employment provisions at Chapter 21 of the *Children and Young People Act 2008*.

2. Definitions

Act means the *Children and Young People Act 2008*.

Chief Executive means the Chief Executive administering the Work Experience provisions of the Act.

Host employer means an employer providing a work experience placement for a particular student.

Host School means the educational institution (within the meaning of the Act) at which the work experience student is normally educated.

Oversight body means

- a) In relation to the government schools, the Chief Executive of the Department of Education and Training; or
- b) In relation to Catholic systemic schools, the Catholic Education Office; or
- c) In relation to any other school or system of schools, the body having the legal responsibility for the management of the school or system of schools.

Student means a student attending, or intending to attend, a work experience placement.

Provider means a body contracted to broker work experience.

Purpose

3. The purpose of work experience programs are:
 - a) to foster personal, social and educational development of the student;
 - b) to provide students with an orientation to the world of employment in a general field, including learning related to career planning or enterprise education;
 - c) to relate school learning to life outside school;
 - d) to assist students in their decision making about future study, training and career options;
 - e) improve student's employment prospects and ease the transition from school to work; and

- f) broaden student's awareness of, and participation in, traditional and non-traditional occupations.

Age Limits

4. A student involved in a work experience program shall be 14 years of age or over, except in relation to a work experience program approved by the Chief Executive to provide work experience for students under 14 years of age.

Register of Host Employers

5. The Department/providers/schools shall keep a register of participating host employers. Prior to placing the host employer on the register, the Department/provider/school must take reasonable steps to ascertain the suitability of the particular type of employment and the fitness of the particular host employer for work experience placements. In determining whether a host employer is suitable the Department/provider/school shall ensure that the work experience does not involve prohibited high risk activities.
6. Providers and schools shall comply with all reasonable requests to provide the register of host employers to the Chief Executive.

Work Experience Placements

7. A student may apply to the host school for a work experience placement.
8. A host school may refer a student to an approved provider to arrange for work experience.
9. Before entering into work experience, the placement must be approved/agreed in writing by:
 - a) The student;
 - b) The student's parent or guardian;
 - c) The host school;
 - d) The host employer; and
 - e) Where a provider is involved, the provider.In considering whether to approve a placement the parties must consider:
 - a) Whether the placement contravenes the *Education Act 2004*, section 13 in relation to the child or young person; or
 - b) Whether the placement is likely to prejudice the ability of the child or young person to benefit from the education or training; or
 - c) Whether the placement is otherwise likely to prejudice the health, safety or personal or social development of the student.
10. The Department/provider/host school shall ensure that Unions ACT is informed of proposed work experience placements prior to work experience placements occurring.

11. If the work experience placement is with a butcher, the host employer must write to the Meat and Allied Trades Union advising that Union that the host employer will comply with that Union's guidelines.
12. Before entering into a work experience program, the student, the host school, the host employer and the student's parents (and where a provider is involved, the provider) shall enter into an agreement, setting out the parties' rights and obligations.
13. Such agreement shall provide for a complaints protocol that includes:
 - a) that the parent or student has a right to make a complaint about any aspect of the work experience program;
 - b) that complaints should be made in the first instance to the host school or provider (where applicable) who shall initially investigate the complaint;
 - c) in the event the resolution proposed by the host school or provider is not accepted by the person making a complaint, they may take up their complaint with the host school's oversight body;
 - d) if the person is still not satisfied with the resolution, the person may make a complaint to the Chief Executive; and
 - e) that all reasonable requests by the Chief Executive for documentation related to the work experience placement be complied with.

Obligations of Host Organisations

14. Host organisations shall:
 - a) not provide remuneration in any way to the student;
 - b) ensure the work premises comply with all legal requirements for a workplace, including any legal requirements in relation to children and young people;
 - c) comply with all work safety requirements and provide an induction session where the student is informed of the requirements for their workplace, including instruction in the use of required protective clothing;
 - d) ensure the student wears required protective clothing;
 - e) ensure the working conditions are free from all types of harassment and unlawful discrimination;
 - f) take appropriate steps to provide the student a positive work experience, this can include:
 - i. job sampling;
 - ii. research; and
 - iii. work shadowing.
 - g) ensure the student has the opportunity to experience a variety of tasks whilst being appropriately and directly supervised;
 - h) report any difficulties in the work experience placement with the host school/provider;
 - i) advise the school/provider in the event of an industrial dispute affecting the placement;

- j) take reasonable steps as requested by the host school or umbrella body to resolve a complaint;
- k) provide a report to the school/provider at the conclusion of the placement; and
- l) where the report in (k) above is to the provider, the provider shall forward a copy of that report to the school.

The Host School

- 15. The host school or, where a provider is involved, the provider, shall take reasonable steps to:
 - a) ensure that a student is not placed in a work situation where a hazard exists taking note of the student's age, capacity, and maturity in respect to the working conditions;
 - b) ensure that if a student is undertaking a placement on a building site the student holds a "Blue Card" or equivalent;
 - c) ensure the working conditions are free from all types of harassment and unlawful discrimination;
 - d) ensure the student is covered by insurance including personal accident and public liability insurance while undertaking work experience;
 - e) adequately prepare the student for the work experience; and
 - f) provide the student with an Emergency Procedures Card which includes contact details for the school and, if the work experience placement extends after hours, with after hours contact details for a person at the school.
- 16. A host school/provider shall, where practicable, arrange for a teacher to visit each student at least once in each period of work experience with each host employer.
- 17. Students shall attend work experience placements on the same conditions as apply to ordinary workers in that workplace; and shall be accountable to the school as well as their host employer.

Prohibited Activities

- 18. Work experience programs shall not include an activity declared to be **high risk** under section 798 of the Act, or defined as prohibited in the Department of Education and Training Work Experience Guidelines.

Hours of Work Placements

19. Except with the approval of the Chief Executive obtained under clause 20 here of:
- a) Work placements shall generally be for normal working hours in the host organisation but shall not take place outside the hours of 7.00 am and 7.00 pm.
 - b) Working hours should be for a full working day rather than school hours and not exceed working hours as specified by relevant legislation or industrial awards.
 - c) Regular breaks shall be taken in negotiation with host employers to ensure students are adequately safeguarded against fatigue.
 - d) Work placements shall not be for more than 40 days in each calendar year and 10 days during each school term.
 - e) A work experience placement in New South Wales shall be limited to 5 days.

Exceptions

20. An application for an exemption to any provision of these standards shall be made to the Chief Executive and shall contain such information as the Chief Executive reasonably requires. The work experience placement for which an exemption is sought shall not commence until the approval of the Chief Executive has been obtained.

Payment

21. No payment or remuneration of any sort shall be paid to a student for participation in work experience.
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